HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.16326 of 2007

Date: 31-07-2007.

Between :

A.Lakshmana Swamy.

.....Petitioner

And

The State of A.P., rep. by The Chief Registrar (Birth and Deaths), Department of Medical and Health (Vital Statistics), Hyderabad & another.

.....Respondents.

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ORDER :

The petitioner had a daughter, by name Adapa Pavani. She is said to have been born on 12.04.1980. It is urged that by the time the birth certificate was issued, the child was not named and later on it became necessary to obtain a certificate, which contains the name of the child. For this purpose, the petitioner filed a representation, dated 25.07.2007 to the 2nd respondent for issuance of a birth certificate to his daughter, duly entering her name in it. The 2nd respondent replied through his proceedings, dated 25.07.2007, stating that such a course is not permissible under Section 14 of the Registration of Birth and Death Act, 1969 (for short 'the Act'). The petitioner assails the same.

The learned counsel for the petitioner submits that there is nothing in the Act, which precludes or prohibits the registering authority to enter the name of the person in the birth certificate even at a subsequent stage. He places

reliance upon the judgment of Gujarat High Court reported in **Dipika Arvindkur Pancholi v. State of Gujarat**[1]**.**

The petitioner contends that his daughter is now residing in USA. In view of the fact that the daughter of the petitioner is a major, and the certificate, in relation to her, an application is required to be made, by herself. The petitioner can, at the most, assist the respondents to identify the person, whose date of birth is being certified.

The Act provides for issuance of birth certificate. The certificate in Form No.V provides for entering the name of the person, whose date of birth is certified. It is a common practice, particularly, in Indian families that the children are named after performing a ceremony. If the birth certificate is issued before such ceremony, there does not exist an occasion for entering the name. From the Acts and the Rules made thereunder, it is clear that there is no prohibition for entering the name of the person, may be after due verification. The Gujarat High Court took the view that it is permissible under the Act and Rules to enter the name of a person even after fifteen years, if the identity of the person is not in dispute.

Having regard to the provisions of the Act and the Gujarat High Court, this Court finds that the 2nd respondent ought to have considered the application of the petitioner and entered the name of his daughter in the

certificate, after satisfying as to the identity.

Hence, the writ petition is disposed of, directing that as and when the daughter of the petitioner submits the application in person, with necessary proof, the 2nd respondent shall consider the same and enter the name of the applicant in the birth certificate, after satisfying himself that it relates to the person, whose name is sought to be entered. This exercise shall be completed within four weeks from the date by which such an application is filed by the candidate herself.

There shall be no order as to costs.

L. NARASIMHA REDDY, J

31st July 2007

ajr

[1] AIR 2003 Gujarat 102